

UNITED STATES DISTRICT COURT

for the
District of MassachusettsFILED
IN CLERKS OFFICE

2012 AUG 21 A 9:35

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)325, 339-341 Water Street, Fitchburg, Massachusetts
("Target Location 2"))
)
) Case No. 12-cr-10226-DJC
)
)
)U.S. DISTRICT COURT
DISTRICT OF MASS.

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____ Massachusetts
(identify the person or describe the property to be searched and give its location):

See Attachment A - Target Location 2

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

See Attachment B

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before August 31, 2012

(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10 p.m. ☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge Robert B. Collings

(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ for _____ days (not to exceed 30).☐ until, the facts justifying, the later specific date of _____

Date and time issued:

AUG 17 2012 at 4:09

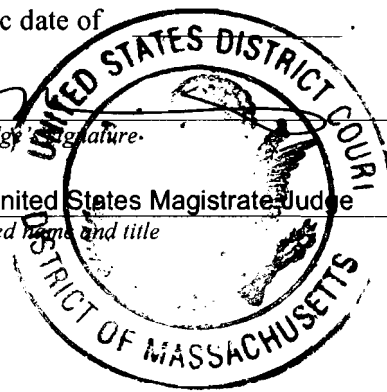
pm

Judge's signature

City and state: Boston, Massachusetts

Robert B. Collings, United States Magistrate Judge

Printed name and title



AO 93 (Rev. 12/09) Search and Seizure Warrant (Page 2)

Return

Case No.: 12-cr-10226-DJC	Date and time warrant executed: 8/17/2012 7:18 PM	Copy of warrant and inventory left with: INSIDE THE BUILDING
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Inventory made in the presence of: N/A BUILDING EMPTY

Inventory of the property taken and name of any person(s) seized:

- DYMO PACKAGE SCALE
- MISCELLANEOUS LETTERS FROM PRISONERS IN JAIL
- DOCUMENTS RELATED TO VEHICLES, SEA-DOOS, AND PROPERTY IN MAINE

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: 8/17/2012



Executing officer's signature

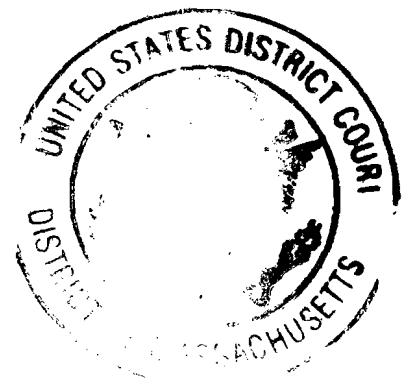
STEPHEN KELLEHER SPECIAL
AGENT

Printed name and title

Attachment A

325, 339-341 Water Street, Fitchburg, MA

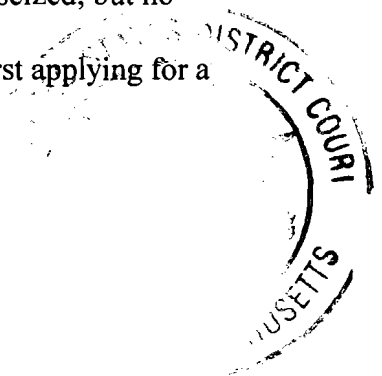
325, 339-341 Water Street is a light colored, warehouse building with a commercial storefront space in the front of the building that abuts Water Street. This commercial space has large windows that run along the front and side of the building. These windows have been covered by paper and a white substance to prevent individuals from seeing inside. Two of the windows that face the parking lot on Water Street have the words "Pets Sense" on them in white lettering (the location was formerly used as a pet store). The building takes a large portion of the property at the intersection of Water and Spruce Street. The rear of the building faces Hale Street and has a new white garage door which accesses what is believed to be the warehouse section of the building. A building permit issued to John Kosta is clearly visible in the window next to the entrance on the side of the building that faces the parking lot.





ATTACHMENT B
ITEMS TO BE SEIZED

1. Documents reflecting dominion and/or control of the Target Location, including, but not limited to, canceled mail, photographs, personal telephone books, diaries, bills and statements, videotapes, keys, identification cards and documents, airline tickets and related travel documents, bank books, checks, and check registers;
2. U.S. currency;
3. books, records, receipts, notes, ledgers, airline tickets, receipts relating to the purchase of financial instruments and or the transfer of funds, and other papers relating to the transportation, ordering, sale and distribution of controlled substances;
4. controlled substances, packaging materials, proceeds of drug sales and records of drug trafficking;
5. evidence pertaining to obtaining, secreting, transfer, concealment and or expenditure of narcotics proceeds, such as: currency, financial instruments, precious metals and gemstones, jewelry, books, records, invoices, receipts, records of real estate transactions, bank statements and related records, passbooks, money drafts, letters of credit, money orders, bank drafts, cashiers checks, bank checks, safe deposit box keys and money wrappers;
6. electronic equipment such as computers, telex machines, facsimile machines, currency counting machines and telephone answering machines to generate, transfer, count, record and or store the information described above (such equipment will be seized, but no search of the contents of such equipment will be conducted without first applying for a



- further search warrant and receiving authorization to conduct such search);
7. beepers, billing records pertaining to beeper accounts and ledgers containing beeper code numbers, customers and locations (such equipment will be seized, but no search of the contents of such equipment will be conducted without first applying for a further search warrant and receiving authorization to conduct such a search);
 8. cellular and/or portable telephones (except for a search incident to arrest of the address book and/or recent call logs of a defendant's cellular and/or portable telephone(s), no search of the contents of such seized devices will be conducted without first applying for a further search warrant and receiving authorization to conduct such a search) ;
 9. smart phones, PDAs, iPods, cellular telephone SIM cards, and other similar data storage devices (such devices will be seized, but no search of the contents of such seized devices will be conducted without first applying for a further search warrant and receiving authorization to conduct such a search);
 10. retained copies of tax returns;
 11. photographs of individuals, property, and/or illegal controlled substances relevant to the drug conspiracy and/or drug distribution charges;
 12. books or papers which reflect names, addresses and/or telephone numbers of associates in the trafficking organization; and
 13. identification documents and records, including birth certificates, passports, social security cards, identification cards, travel documents and driver's licenses.

